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Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the combined eighth and ninth periodic reports of Portugal

Addendum

Replies of Portugal**

[Date received: 23 June 2015]

Note: The present document is being circulated in English, French and Spanish only.
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Please recycle

1. Please provide information on the effects of the financial crisis on measures to combat poverty and improve the status of women, and indicate the specific measures taken to redress or mitigate the effects of the financial crisis on women.

1. The financial crisis and the Economic Adjustment Program for Portugal (EFAP) had a strong impact on the lives of people living in Portugal. Throughout this period, the Government remained deeply committed to implementing its human rights obligations and minimizing the impact of the crisis, particularly on the most vulnerable persons.

2. Portugal was able to maintain a wide range of social benefits which, in most cases, are cumulative for the most vulnerable families. These include, *inter alia*, childcare, prenatal care, social insertion income, school scholarships. There are also specific benefits for disabled persons. Furthermore, the Government continued to provide funding for a growing network of social facilities. The financial contribution to cooperation agreements increased by 2.3 per cent in the 2013-2014 period.[1]

3. To mitigate the social impact of the crisis, the four-year Programme "Social Emergency Programme" (PES) was implemented in October 2011. €630 million were allocated to this Programme that covers approximately 3 million people and aims to combat social exclusion by Portuguese families facing unemployment, employment insecurity, overindebtedness, social and family dysfunctions. The effective involvement and participation of a national solidarity network (central and local authorities and civil society organizations) has been fundamental in implementing PES.

4. Measures taken to redress/mitigate the effects of the financial crisis include:

- a 10 per cent increase in unemployment benefits for couples where both partners are unemployed and have dependent children;
- the creation of vocational traineeships and employment traineeships;
- the establishment of a network of social canteens;
- the creation of a social housing rental market for families facing difficulties in paying mortgages;
- the creation of: 13,000 new places at care centers for children under 3;
- the creation of special Credit Line to support social institutions raising the number of places available in Nurseries and Residential Structures;
- the establishment of "Estímulo 2012" and "Estímulo 2013" measures that increased financial support (60 per cent of the monthly salary) for hiring low-skilled women and workers from the less represented sex in gender stereotyped sectors of activity. This measure also provides a more favorable regime for hiring unemployed single parents. Similar measures were also approved to address seasonal unemployment problems in Algarve.

[1] Cooperation Protocol between the Ministry of Solidarity, Employment and Social Security, the União das Misericórdias Portuguesas, the Confederação Nacional das Instituições de Solidariedade and the União das Mutualidades Portuguesas.

5. Women, as a vulnerable group, benefitted from all the above-mentioned measures. For example, in 2008 62 per cent of the "Social Insertion Income" beneficiaries were women and, by 2012, 70 per cent were women.

6. Annex 1 (Poverty Rate 2011-2014) shows that despite the fact that the women's poverty rate (20 per cent) increased by 1.3 per cent in 2013, social transfers contributed to reducing this rate by 29.3 per cent.

2. The report and its annexes contain limited sex-disaggregated data on the situation of women in areas and situations covered by the Convention. Please provide sex-disaggregated data pertaining to all areas of the Convention, including on the situation of women in the Azores and Madeira, and indicate whether the State party plans to develop a specific system for the collection and analysis of such data.

7. Statistics Portugal (*Instituto Nacional de Estatística* -- INE) collects data on the situation of women in areas and situations covered by the Convention.

8. Annex 2 - The Regional Government of the Azores approved the Second Regional Plan for Prevention and Combat Domestic and Gender Violence (2014-2018). According to this plan, a new system for collecting data is being developed. It will allow for a better systematization and analysis of information, including sex-disaggregated data.

3. Please indicate the measures taken to ensure the institutionalization of equality advisers in all municipalities (para. 26). Please indicate whether the Azores and Madeira have adopted or envisage adopting a gender mainstreaming strategy. Please indicate whether the State party has introduced at all levels — national, regional and local — effective monitoring and accountability mechanisms for the implementation of the gender mainstreaming strategy and has included sanctions for non-compliance in such mechanisms. Please provide information on the organization as well as the human, technical and financial resources of the machinery for women in the Azores and Madeira.

9. The adoption of Equality Municipal Plans is mandatory (Law No. 75/2013) and the appointment of municipal gender equality advisors is a top priority.

10. The Fifth National Plan for Equality (PNI) promotes the nomination of local equality advisers.

11. By March 2015, out of 308 municipalities, there were 72 municipal plans for Equality and 138 equality advisers (seven in the Azores).

12. The Third Regional Plan for Gender Equality and Citizenship of Madeira was approved by the Regional Government in 2014.

13. To date, the Azores has not approved a Regional Plan for Gender Equality.

14. Nonetheless, this Autonomous Region, namely the Regional Directorate of Social Security (DRSS), has significant human, technical and financial resources for gender equality.

15. In terms of Human resources the Social Promotion and Equal Opportunities Division of DRSS has a permanent staff of 13 persons. Furthermore, a total of 44 protocols on equal opportunities were signed with private solidarity institutions,

associations and NGOs. The Regional Directorate has a budget of 800.000 Euros to promote the equality of opportunities in 2015, of which 270.550 are assigned to combat and prevent domestic violence and discrimination.

16. Effective monitoring and accountability mechanisms for the implementation of the gender mainstreaming are foreseen in the Equality Action Plans. The Commission for Citizenship and Gender Equality (CIG) is responsible for coordinating and monitoring the implementation of the PNI. It prepares a yearly work plan, in close collaboration with all relevant stakeholders, and supervises its implementation. Furthermore, an annual report on the level of execution of the measures is drafted by March of the following year.

17. A final report on the execution of the different Plans is also produced, informing the responsible members of Government about the state of play.

4. Please indicate whether the State party envisages making a systematic collection of data regarding cases when the Convention was invoked before the Portuguese national courts in order to better monitor the effective application of the Convention.

18. At present, the collection of this data is not foreseen.

4.1. Please provide information on the mandate of the Portuguese National Human Rights Committee.

19. The Portuguese National Human Rights Committee PNHRC[2] is responsible for intergovernmental coordination with the aim of promoting an integrated approach to human rights policies. The Committee aims to define Portugal's position in international *fora* and to implement Portugal's obligations under International Human Rights Conventions. Given the broad scope of international instruments on Human Rights Portugal is a party to, the PNHRC coordinates all governmental action on Human Rights. The PNHRC is not the Portuguese National Human Rights Institution.

20. The Committee is chaired by the Ministry of Foreign Affairs, namely by the Secretary of State for European Affairs. The MFA's Multilateral Department, backed by the Office for Documentation and Comparative Law of the Attorney General's Office, is the PNHRC's Executive Secretariat.

21. The PNHRC has representatives from all the Ministries and relevant public entities. Also, The Portuguese Ombudsman, who is the Portuguese National Human Rights Institution (NHRI) according to the UN Paris Principles, has a standing invitation to attend all PNHRC meetings and to participate in the Committee's work.

22. The PNHRC meets at least three times a year at Plenary level and, whenever needed, at Working Group level. The Committee also meets regularly with civil society representatives, at least once a year at Plenary level and, whenever needed, at Working Group level. The 9th Plenary Meeting with Civil Society (February 2013) addressed the issues of Gender Equality. All national reports to the UN Treaty bodies are discussed with civil representatives, prior to their finalization.

[2] http://www.portugal.gov.pt/pt/os-ministerios/ministerio-dos-negocios-estrangeiros/quero-saber-mais/sobre-o-ministerio/comissao-nacional-para-os-direitos-humanos/portuguese-national-human-rights-committee/portuguese-national-human-rights-committee.aspx

23. The PNHRC is currently working on the development of National Human Rights Indicators as suggested by the Office of the High Commissioner for Human Rights.[3] The national indicators on Violence against Women were finalized in July 2013 The PNHRC is currently developing indicators on Non-Discrimination and Equality.

24. Annex 3 - National Indicators on Violence against Women

4.2. Provide data on cases of alleged discrimination against women on the grounds of sex that have been brought before the Portuguese National Human Rights Committee or the Ombudsman.

25. The Portuguese Human Rights Committee does not have a mandate to address individual cases of discrimination against women. When individual cases are brought to the attention of the PNHRI, applicants are advised to direct their complaints to the Ombudsman, the Portuguese NHRI with an A status according to the Paris Principles.

26. Due to its specific constitutional and legal mandate, most of the cases concerning discrimination against women bought before the Portuguese Ombudsman related to situations in the state sector.

27. Between 2008 and 2012, the majority of cases alleged discrimination against women referred to parental rights (e.g. the right to work less hours whilst breastfeeding, the right to reduced working hours, the right to leave due to the illness of children.

28. During this period, 24 cases of gender discrimination were identified, 16 relating to the right to reduced working hours. There were 2 other cases of gender discrimination concerning parental rights in the Azores.

29. According to the information provided by the Ombudsmen, in some cases the entities responsible for discriminatory practises tended not to comply with the Ombudsman's decisions and resorted to partial interpretations of the legal framework at stake. In cases where the entities responsible for discriminatory practises rejected the Ombudsman's decision, these were referred to the Authority for Working Conditions.

30. In order to fight discrimination against women, the Portuguese Ombudsman has worked closely with state entities and NGOs.

4.3. (...) indicate if and how cases of multiple or intersectional discrimination are dealt with by the courts, the Portuguese National Human Rights Committee and the Ombudsman.

31. Annex 4 - Defendants and convictions in criminal proceedings (at the trial stage) ended in courts of 1st instance for the crime of racial/religious discrimination in the years 2008-2013.

[3] http://www.portugal.gov.pt/pt/os-ministerios/ministerio-dos-negocios-estrangeiros/quero-saber-mais/sobre-o-ministerio/comissao-nacional-para-os-direitos-humanos/portuguese-national-human-rights-committee/portuguese-national-human-rights-committee.aspx

5. Please indicate whether the Convention, the Optional Protocol and the General Recommendations are being integrated into capacity building programmes for judges, prosecutors and lawyers, the police and other law enforcement officials.

32. Gender equality issues are a key component of the capacity building programmes of all legal professionals. With regard to judges and prosecutors, the Centre for Judicial Studies incorporates these issues in the teaching of human rights in the general curricula, particularly in family and criminal law courses.

33. In the Criminal Investigation Police, gender equality issues are addressed in terms of the relationship between police officers and victims, police officers and witnesses, as well as amongst members of the Police Force (where the number of female officers is high. There is also specific training on how to deal with victims of sexual crimes. These issues are addressed, in the initial and continuous training of Police officers in the subject of Ethics, Human Rights and Professional Conduct.

34. Bailiffs training programmes also include these issues.

35. Furthermore, the Bar Association provides a training course on "Violence: identify, prevent and intervene".

6. The report mentions Resolution No. 19/2012, which aims at increasing the representation of women in decision-making positions in State-owned companies (para. 29). Please provide details on the content and implementation of this Resolution. Please also indicate the results achieved by temporary special measures that have been implemented so far and indicate whether the State party envisages adopting additional temporary special measures to accelerate the practical realization of women's de facto equality with men. The report is silent regarding temporary special measures taken in Azores and Madeira. Please indicate any obstacles in the adoption and implementation of such measures.

36. According to Resolution No. 19/2012 the Government evaluates, on a yearly basis, the percentage of women in decision-making positions in State-owned and private-owned companies.

37. According to the 2014 report the percentage of women is as follows:

(a) state-owned companies

- Board of Directors: 23,1 per cent (in 2013 - 21,8 per cent)
- Presidents: 9,4 per cent
- Supervisory bodies: 29,6 per cent (24,7 per cent presidents)

(b) private companies listed on the stock exchange:

- Board of Directors: 9,7 per cent (in 2013 - 7,9 per cent)
- Presidents: 4,5 per cent (in 2013 - 0 per cent)
- Supervisory bodies: 7,6 per cent (2,5 per cent presidents)

38. Moreover, additional temporary special measures to enhance women's de facto equality have been adopted:

- Council of Ministers Resolution No. 13/2013, 8 March 2013 which aims to ensure and promote equality between women and men in the labour market

through the elimination of the gender pay gap, the conciliation of work, personal and family life the promotion of social corporate responsibility and the elimination of labour market segregation.

- Council of Ministers Resolution No. 18/2014, 5 March 2014, which adopts several measures to promote equal pay for men and women:

  (i) The obligation of State-owned companies to produce, every three years, a report on the difference between male and female wages and take concrete measures to guarantee that no discrimination takes place;

  (ii) Distribution of an electronic tool that allows companies to evaluate the gender pay gap and identify concrete situations of wage differences between women and men;

  (iii) A debate among different stakeholders (employers, workers, etc.) about the wage gap;

  (iv) Wage equality as a criterion in the evaluation of applications for European Structural funds.

- Law No. 67/2013, 28 August, establishes that, the person chosen to be the President of the Board of Directors should be of a different sex than the previous Director and that at least 33 per cent of the members of the Board of Directors must be of a different sex.

- Decree-Law No. 133/2013, 3 October, lays down the principles and rules applicable to the public sector companies, determines the plural presence of men and women in the composition of the management and supervisory bodies of public enterprises and the promotion of equality and non-discrimination, within the framework of their social responsibility.

- Law No. 46/2014, of 28 July amended the General System of credit institutions and financial corporations, establishing that the internal policies for the selection and evaluation of management and supervisory bodies must take into account the representation of men and women, namely that these corporations should establish a policy to increase the number of persons of the under-represented sex.

- Decree-Law No. 159/2014, 27 October, establishes the general rules for the application of operational programmes and rural development programmes financed by the European Structural Funds and investment for 2014-2020. It stipulates that, during the selection of applications, the highest representation of women administration and management, as well as wage equality between is a tiebreaker between applications.

- Ordinance No. 84/2015, 20 March, grants financial support for emplcying persons of the underrepresented sex in a given profession.

7. The report refers to the Second National Action Programme for the elimination of Female Genital Mutilation (FGM), which covers the period 2011-2013 (paras. 46 to 52). Please provide information on the impact of this programme, as well as data on the prevalence of the practice of FGM in the State party and on the implementation of article 144 of the Penal Code criminalizing FGM.

39. According to an external evaluation report, the Second National Action Programme for the elimination of FGM 2011-2013 had an overall success rate of 91 per cent.

40. Health professionals are key actors in the eradication of FGM. The Minister of Health issued a Directive with procedures for National Health Service on FGM. Those who work in areas where there is a greater risk of FGM attended a post-graduation on the subject. Also, these health professionals became focal points in their health centers and hospitals, as well as in the local area, participating in awareness raising activities promoted by NGOs and immigrant associations.

41. The Ministry of Health and the National Commission for the Protection of Children and Youth at Risk established a protocol in order to identify and monitor FGM. Security forces are also responsible for identifying girls and women subjected to FGM or at risk. The Ministry of Home Affairs published a Procedural Guide for Criminal Police Staff.

42. A study on the prevalence of FGM in Portugal was finished in April 2015 but, to date, it has not been published.

43. The crime of female genital mutilation (FGM) is included in the offense of crime to serious physical integrity, provided for and punished by article 144 of the Portuguese Criminal Code. Therefore, collection of data refers to violations under article 144 in general and, for the moment, it is not possible to provide specific on the prevalence of the crime of Female Genital Mutilation.

44. The "autonomization" of the crime of FGM in the Portuguese Criminal Code is being prepared. It will establish penalties for all types of mutilation as defined by the World Health Organization. In February 2014, three proposals to change the Criminal Code were presented to the Portuguese Parliament to criminalize, separately, FGM. There is also a proposal to raise the maximum sanction for perpetrators from 10 to 12 years in prison.

7.1. Please indicate whether the State party has assessed the impact of existing measures to combat stereotyping in the media in order to identify shortcomings and improve the measures accordingly.

45. Combating stereotyping in the media remains a key priority.

46. A number of training initiatives have been organized aimed however the impact assessment of these measures has shown that the creation of an oversight mechanism is needed. The Fifth PNI foresees the creation of permanent mechanisms to regulate journalistic and advertising content and to identify sexist and gender stereotypical messages. Biennial reports will be produced by the Regulatory Authority for the Media (ERC), which regulates and supervises all entities pursuing media activities in Portugal.

7.2. Please indicate whether the State party envisages adopting a comprehensive strategy to combat stereotyping in order to promote a positive image of women, including disadvantaged groups of women, such as older women, women with disabilities and women belonging to ethnic and religious minorities, including Roma women and women of African descent.

47. The adoption of a comprehensive strategy to combat stereotyping against women is currently not foreseen.

48. Nonetheless, the Fifth PNI, the Portuguese Strategy for Inclusion of the Roma Communities (2013-2020) and other national instruments, include a number of measures aimed at promoting a positive image of women.

7.3. Please provide information on measures taken to ensure that gender issues and sensitivity training are made an integral, substantive and mandatory component of all teachers' training at all levels.

49. Teachers' initial training includes gender issues.

50. As for teachers already in-service, the Ministry of Education and Science and CIG have been organizing training activities on gender equality, fight against stereotypes, sensitivity training and on the integration of the gender dimension in sexual education in schools.

8. Please provide data on the prevalence of all forms of violence against women in the State party, including in the Azores and Madeira. Please provide information and data on the prevalence and trends of the different forms of violence against women, including domestic violence, together with detailed information collected since the consideration of the previous report on the number of cases reported, prosecutions, convictions of the perpetrators and the sentences imposed on them, and the relationship between perpetrator and victim.

51. Annex 5 - Prevalence and trends of the different forms of violence against women.

8.1. Please indicate whether Madeira has developed an action plan to combat violence against women.

52. The Second Madeira Regional Plan against Domestic Violence (2015-2018) was developed in 2014. It is currently waiting for governmental approval and the recently elected Regional Government intends to approve the Plan during 2015.

9. Please provide information on the effective use of restraining orders, barring orders and evictions, which give the police tools to prevent and combat domestic violence.

53. Annex 6

9.1. Please indicate whether the State party has a sufficient number of State-funded safe shelters for victims of domestic violence, also accessible for women with disabilities.

54. Portugal has a public network of 37 shelters for women victims of domestic violence and their underage children, with a total of 639 vacancies.

55. The shelters are financed exclusively by public funds and managed by non-governmental organization.

56. There are also 130 emergency vacancies for domestic violence victims (in 2013 there were 111).

57. Regarding national coverage, out of 18 districts, 13 have emergency vacancies for victims of domestic violence. During 2014 this emergency network sheltered 941 persons were (521 women and 420 children).

9.2. Please provide the legal definition of sexual harassment.

58. In the Portuguese Legal System, the crime of sexual harassment is a form of sexual coercion, provided for and punished by article 163, paragraph 2, of the Portuguese Criminal Code, included in the category of crimes against sexual freedom.

> "Article 163 - Sexual coercion:
>
> 1 – Whoever, by means of violence, serious threat or after having rendered, for such purposes, another person unconscious or unable to resist, constrains such person to submit to, or to engage into, with the himself or with a third party, a relevant sexual intercourse is punished with sentence of imprisonment from one to eight years.
>
> 2 – Whoever, by any means other than those provided for in the preceding paragraph and by abusing of the authority resulting from a familiar relationship, tutorship or curatorship or from hierarchical, economic or work dependence, or by taking advantage of fear caused by him, constrains another person to submit to, or to engage into a relevant sexual act with him or with a third party, is punished with imprisonment for not more than two years."

59. Article 29 of the Portuguese Labour Code also establishes that sexual harassment as all unwanted conduct of a sexual nature (verbal, non-verbal or physical), with the purpose or effect of embarrassing the person, affecting their dignity, or creating an intimidating, hostile, or offensive environment.

60. The violation of that rule is a serious offense and it gives the worker or job applicant the right to compensation for material and non-material damage (article 28 of the Labour Code).

10. Please provide information on the number of complaints received on trafficking in women and exploitation of prostitution, and on investigations, prosecutions, convictions and penalties imposed on the perpetrators of such crimes.

61. Annex 7 - Information on the number of complaints received on trafficking in women and exploitation of prostitution.

10.1. Please provide data on the prevalence of trafficking in the Azores and Madeira and indicate the measures taken to address the issue.

62. The Observatory on Trafficking in Human Beings (OTSH) did not register cases in the Azores and Madeira between 2012 and 2014.

63. The only reported situation in Madeira occurred in 2008: 4 women victims of trafficking for labour exploitation.

10.2. Please indicate whether the State party has established a mechanism to monitor and evaluate the effectiveness of the Second National Plan for the Fight against Trafficking in Human Beings.

64. The Second National Action Plan ended in December 2013 and was subjected to an independent external evaluation, whose recommendations were taken into consideration when preparing the Third National Action Plan.

65. Each year, periodic reports were elaborated to assess the implementation of the Action Plan.

66. All these measures are also foreseen in the Third Plan (2014-2017).

67. Annually an interim report on the level of execution of the measures is prepared by CIG, and it includes an assessment of the annual work plan. CIG reports to the overseeing Government member until March 15 every year. It also foresees a final report on the execution of the III PNPCTSH.

68. Besides the monitoring and interim assessment reports, the III PNPCTSH will be subject to an independent evaluation at the end of its term.

10.3. Please provide information on efforts envisaged to further enhance the prevention and fight against trafficking of women and exploitation of prostitution, including by increasing the number of inspectors and by addressing the grounds of trafficking in human beings.

69. Portugal has an updated national referral system since November 2014.

70. Documentation on identification and signalization of victims of trafficking was produced and distributed to all the relevant stakeholders namely, the "Guidelines for the first level Identification of victims of trafficking". Practical tools to identify victims of forced begging, illicit activities, labour exploitation and sexual exploitation were also created and distributed.

71. These are available at:

http://www.cig.gov.pt/2015/01/novas-publicacoes-cig-sobre-trafico-de-seres-humanos/

72. A Flagging Card was produced and disseminated through all law enforcement authorities.

73. The Network for Assistance and Protection to Victims of Trafficking also has an important role in preventing and fighting trafficking of women and girls. The Network brings together governmental and non-governmental organizations working in Portugal, directly or indirectly, on trafficking in human beings. It guarantees better intervention, support and coordination and a better source of information for criminal investigation.

74. There are currently 4 Regional Specialized Multidisciplinary Teams on Trafficking in Human Beings. These teams work in close coordination and cooperation with national and international structures. They are important to guarantee territorial mobility and proximity and technical support in signaling/ identifying potential victims and to provide support to the integration or assisted return of the victims. In order to facilitate communication and the establishment of partnerships to combat trafficking in human beings, victim assistance networks at

regional level were reinforced. These include governmental and non-governmental organizations.

75. In 2013, the Immigration and Borders Service (SEF) created a Specialized Unit on combating trafficking in human in Central Directorate for Investigation.

76. In 2015, the Central Directorate for Investigations participated in Project LUMINA, which aims to enhance the SEF's capacity to identify victims and to use more effectively existing referral mechanisms.

10.4. Please indicate the measures taken and envisaged to establish additional shelters for women victims of trafficking throughout the country; ensure that all victims of trafficking have access to adequate services; and provide sufficient resources to such services.

77. During the first trimester of 2014 Portugal established a new Protection Centre for women victims of trafficking.

78. Victims of trafficking have access to adequate services that include suitable and urgent medical treatment, psychological support, protection, translation and interpretation services and legal aid.

79. Support is provided for women victims of trafficking, regardless of their nationality, age, religion, ethnicity, sexual orientation, disability, marital status, political orientation or socio-economic aspects. This support is also extended to underage children of the victims.

80. A leaflet for victims of trafficking that explains their rights, particularly in what regards compensation is available in Portuguese, English, Romanian, Russian and French. An additional leaflet concerning the rights of victims under the immigration legislation is available English and French and is currently being translated into Mandarin, Spanish and Russian.

11. Please also indicate whether the State party has adopted or envisages adopting legal and/or other measures aimed at discouraging the demand for prostitution.

81. In light of the recent reforms to the Portuguese Penal Code, no further changes are currently envisaged.

12. The Committee notes the existence of the Parity Law No. 3/2006 of 21 August 2006 establishing that the lists of candidates for Parliament, the European Parliament and the local authorities shall ensure a minimum representation of 33 per cent of persons of each sex. Please provide information on efforts made to further increase the participation of women in these bodies, as well as in other areas of the political and public life, including in the Azores and Madeira, specifically through the adoption of temporary special measures to accelerate the achievement of subs antive equality between women and men. Please provide data on the representation of women in all areas of the political and public life as well as in the private sector and public enterprises, in particular at decision-making positions.

82. In 2014, 30, 4 per cent of the members of the National Parliament and 14 per cent of the members of the Government were women. In the municipal elections of 2013, women represented 7,5 per cent of the elected Mayors ("Presidentes da

Câmara") (23 out of 308). In the 2014 election for the European Parliament, women represented 38 per cent of the elected members (8 out of 21).

83. The percentage of women in other spheres public life is, as of 2014:

- Constitutional Court: 38,4 per cent;
- Council of State: 10,5 per cent;
- Supreme Court of Justice: 11,8 per cent;
- Higher Council of the Public Prosecution Service: 36,8 per cent;
- Economic and Social Council: 18,8 per cent;
- National Educational Council: 25 per cent;
- National Council of Ethics for the Life Sciences: 30 per cent;
- National Sports Council (2015): 30 per cent.

84. Moreover, the Portuguese Attorney-General is a woman.

85. For data on the representation of women in the private sector and public enterprises, in particular at decision-making positions, please see answer to question 6.

13. The report mentions the lower number of women in traditionally male dominated fields of studies (annex 11) and is silent as regards the situation in the Azores and Madeira. Please provide data on the professional and academic choices of women and men at all relevant educational levels in the Azores and Madeira and indicate whether the State party envisages adopting specific measures aimed at increasing the enrolment of women in traditionally male dominated fields of studies.

86. In Higher Education, the enrolment of women remains low in traditionally male dominated fields of studies, such as Engineering, Manufacturing Industries and Construction.

87. Efforts have been made to increase female participation rates in the following fields of studies: Sciences, Mathematics, Computer Science, Agriculture, Engineering, Manufacturing Industries and Construction.

88. Annex 1

89. Annex 8 - Data on the professional and academic choices of women and men at all relevant educational levels in the Azores and Madeira.

13.1. Please also indicate the measures taken and envisaged to eliminate illiteracy of women, in particular in rural areas and among the Roma community.

90. Portugal is committed to guaranteeing the right to education for all. In order to eliminate illiteracy, in 2010 a Basic Skills Programme was put in place targeted at low-skilled adults (18 or over) This programme's objective is to provide low-skilled adults (18 or over), including women in rural areas Roma women, with the necessary tools to allow them to improve their skills.

91. The Portuguese education system does have separate school classes on grounds of origin, race, ethnicity or culture. Ensuring equal access to education,

while respecting the values and traditions of everyone, including Roma persons, is the main goal.

92. The National Roma Communities Integration Strategy (2013-2020) foresees the following measures in the field of education. These are especially important to improve the situation of Roma women:

(i) gain a better insight of the situation of Roma students and trainees;

(ii) ensure access to Pre-School Education;

(iii) increase education levels and ensure that all Roma Children complete compulsory education;

(iv) promote continued education in secondary schools and encourage higher education;

(v) prevent early school dropout;

(vi) ensure access to lifelong learning;

(vii) promote teacher training on Roma culture and diversity by recruiting trainers from Roma communities;

(viii) fight illiteracy.

93. A special project called "Good School Grades" was created to raise awareness on the importance of school as an institution that is fundamental for social and personal development of Roma children and their parents.

94. The "Choices Programme", developed by the High Commission for Migrations, promotes the social inclusion of children and young people (6 to 30 years) from vulnerable socio-economic contexts particularly descendants of immigrants and ethnic minorities. In this programme, local projects are designed to match the specific needs of the people to whom it is directed and have a strong emphasis in school support to increase academic success. The Programme aims to fight against early school leaving by promoting non-formal education, vocational training, community participation, digital inclusion and empowerment. The sixth generation (2016-2018) is currently being developed.

14. Please indicate further measures envisaged to eliminate occupational segregation, both horizontal and vertical; increase the participation of women in the management bodies of private companies; narrow and close the wage gap between women and men; ensure equal pay for work of equal value; and promote equal sharing of family responsibilities between women and men. Please indicate the measures taken to ensure the effective implementation of legal provisions for the elimination of discrimination against women at the workplace, including discrimination against women with young children and pregnant women with fixed-term contracts in the private sector.

95. The Council of Ministers Resolutions No. 13/2013, 8 March, and No. 18/2014, 7 March, adopted a set of measures that aim to ensure and promote equal opportunities for women and men in the labour market.

96. In accordance with Council of Ministers Resolution No. 13/2013, a Report on Gender Wage Gap by Activity, for the year 2011 was published.

97. In compliance with this Resolution, an Information Guide on Gender Equality and Non-Discrimination in the framework of Collective Labour Agreement Instruments was also published.

98. During 2013 and 2014, the Commission for Equality and Work (CITE) developed a tool to assess the Gender Pay Gap in Companies and to raise awareness among managers and policy makers on the need to eliminate the gender pay gap in Portugal.

99. Two online tools for the analysis of the gender pay gap in companies were developed and made available on CITE's website: - Self Assessment Survey on Equal Pay between Men and Women in Companies; Gender Pay Gap Calculator.

http://calculadora.cite.pt/index.php/welcome/home

100. CITE has launched a number of Campaigns to raise public awareness to the persistence of the gender wage gap:

- To mark the European Equal Pay Day and the National Equal Pay Day (February 28 and March 6, respectively) in 2013 and 2014 CITE designed and launched Campaigns on the Persistence of Wage Gap between Men and Women;
- In October 2013, to raise public on the importance of a work-life balance and equal sharing of family responsibilities between women and men, CITE designed and launched the Campaign Time to Have Time.

101. CITE has also designed a number of projects. These include:

- Project IGEN - Forum of Companies for Gender Equality - Our Commitment - The main objective is to monitor and disseminate the progress made in gender equality by Private Companies that participate in the project. In 2014 the first Annual Report was published;
- In October 2014 a National Survey on how Men and Women spend their time launched. The survey aimed to collect updated information on time use by women and men in Portugal, in particular with regard to paid and unpaid work, (housework, etc.). This project aimed to raise awareness on the need for a balanced distribution of unpaid care work between women and men.

102. More recently, the Council of Ministers Resolution No. 11-A/2015, 6 March, instructs the Secretary of State of Parliamentary Affairs and Equality, the Secretary of State of the Treasury, the Secretary of State for Regional Development, the Deputy Secretary of State of the Economy and the Secretary of State for Employment to reach an agreement with the companies listed on the stock exchange so that they commit to promoting a greater representation of women on the Boards of Directors. The goal is to have 30 per cent of the under-represented sex by the end of 2018.

15. The report mentions 2,092 cases of voluntary termination of adolescent pregnancies and 3,301 births in adolescents in 2012 (paras. 108 and 109). Please provide updated data on the rate of unwanted pregnancies and abortions. Please provide information on obstacles that women may face in accessing abortion, including the lack of awareness of the legislation relating to the voluntary interruption of pregnancy or the fact that health-care personnel may decide not to perform a termination of pregnancy on the basis of their conscience. Please indicate whether women carrying out an abortion after 10 weeks of pregnancy are legally criminalized.

103. According to article 142, paragraph 1, indent e), of the Portuguese Criminal Code, the miscarriage, performed by a physician or under his direction, in an official health establishment or officially recognized and with the consent of the pregnant woman, is not punishable if it happens during the first 10 weeks of pregnancy. However, women carrying out an abortion after 10 weeks of pregnancy may be legally criminalized, according to article 140, paragraph 3, of the same diploma.

104. There are no obstacles regarding access to termination of pregnancy because there is a nationwide response through the National Health Service, without limits on the number of interruptions made by each woman, age or nationality. This service is also exempt from user fees and is free of charge within the National Health Service.

105. The law guarantees the right to conscientious objection for doctors and other health professionals regarding medical acts relating to voluntary termination of pregnancy. The health unit must refer the woman to another institution within the legal deadlines.

106. As for public awareness, information on termination of pregnancy is available in health institutions. Sexual education at schools also provides information on this subject.

Annex 9

16. The report indicates that "Sexual Education" is compulsory in all schools since 2009 (para. 105). Please indicate whether the impact of sexual education has been assessed, and provide data on: (a) the availability and accessibility of comprehensive age-appropriate education on sexual and reproductive health and rights; (b) the rate of contraceptives use; and (c) the prevalence of abortion, including in the Azores and Madeira.

107. Regarding sexual education "Portaria" No. 196-A/2010 sets the programmes and subjects on sexual and reproductive health and rights from pre-school to secondary education.

108. Teachers are trained on sexual education and schools work in partnership with the local health services, where pupils can ask for a family planning advice and contraceptives are free.

109. An extensive evaluation on the impact of sexual education (Report on the Impact Assessment of Law No. 60/2009, of August 6, regulated by Order No. 196-A/2010 of 9th April — published in December 2013, with the purpose of assessing the implementation of sexual education in schools), found that: 83,2 per

cent of schools implemented sexual education programmes without difficulties; 59,8 per cent of schools considered the Student Support Office on sexual education very important; 62,8 per cent of teachers had developed skills in sexual education; 56,8 per cent of the Heads of Schools considered the impact of sexual education on health policy as being positive.

110. Annex 9

17. Please indicate the timeframe for the effective and full implementation of the Asylum Law 26/2014 of 5 May 2014 requiring the expedited identification of female asylum-seekers with specific needs and access to adequate special procedural guarantees and reception conditions. Please indicate the measures taken to implement a consistent national identification and protection system for asylum-seeking female victims of trafficking and to ensure that they have access to asylum procedures. Please indicate the measures taken and envisaged to end the detention of asylum-seeking women and girls with specific needs.

111. The Asylum Law, adopted in 2008, sets out the conditions and procedures for granting asylum or subsidiary protection and the status of asylum, refugee and subsidiary protection to applicants.

112. Asylum seekers are not detained When submitting applications for asylum at the border, the asylum seekers must stay in Installation Centers located in airport international areas. In these cases, there is a specific procedure for minors, elderly, pregnant women, sick persons or persons in other situations of special vulnerability. They are allowed to enter the national territory immediately after applying for asylum and they stay in specialized Centers and are assisted by social workers. In the case of unaccompanied minors, the Juvenile Courts are immediately contacted in order to appoint a legal representative.

113. Until they turn 18 years, unaccompanied refugee minors are under the care of the Portuguese Council for Refugees. After that, Social Security takes over.

114. All asylum applications are communicated to the Portuguese Council for Refugees, NGOs acting on behalf of the UNHCR.

115. The Asylum Law was amended in 2014 in order to transpose three EU Directives. These amendments aim to reinforce the guarantees provided to asylum seekers, in particular non-accompanied minors, as well as to strengthen the role of the United Nations High Commissioner for Refugees or the Non-Governmental Organization acting on its behalf.

116. The amended law also guarantees the free translation of documents for asylum seekers with insufficient income and the right to make statements in the asylum seekers mother tongue, in conditions that assure the due confidentiality.

117. The asylum law foresees the possibility of granting a residency status for humanitarian reasons for a period up to three years.

118. The new asylum law considers as applicants with specific needs minors, unaccompanied minors, pregnant women, single parent families with minors, disabled, people with mental disorders, people who have been subjected to acts of torture, rape or other serious forms of psychological, physical or sexual treatment, such as victims of domestic violence and victims of female genital mutilation.

119. Portugal has two reception centres for asylum seekers, run by the Portuguese Council for Refugees, who represents the United Nations High Commissioner for Refugees in Portugal:

- The Reception Centre for Refugees, inaugurated in 2006, to accommodate asylum seekers, refugees and resettled refugees during their first months in Portugal. Besides providing housing, food and assistance, the Centre follows a unique approach to the integration of refugees by promoting their inclusion in the local communities, including through the organization of joint activities.
- The Reception Centre for Refugee Children, inaugurated in 2012. It accommodates unaccompanied minors applying for asylum in Portugal and provides proper housing, food, assistance and integration activities. The Centre is run by a specialized team of professionals.

120. The Refugee Reception Center managed by the NGO Portuguese Council for Refugees can accommodate 60 persons.

121. The Reception Center for Refugee Children can accommodate 17 children.

122. In order to avoid overcrowding in the Refugee Reception Centers managed by the NGO Portuguese Council for Refugees, in 2013 the Immigration and Border Service resorted to alternative housing solutions, such as hotel accommodation and renting of rooms in private households.

123. Furthermore, asylum seekers were also housed in premises managed by the Social Security Institute.

124. According to the National Asylum Law, asylum seekers and/or beneficiaries of subsidiary protection have access to the National Health Service.

125. All Portuguese citizens, immigrants, asylum seekers and beneficiaries of subsidiary protection pay a small fee to benefit from National Health Services. Children up to 12 years of age, pregnant women, patients with 60 per cent or more disability and patients in a situation of proven economic failure, as well as dependents of their household, are exempted from paying this fee.

18. The report indicates that the study to collect information on the Roma communities was due to be concluded in December 2014 (para. 130). Please provide information on the outcome of this study, in particular as regards Roma women.

126. The study was concluded by the end of 2014 and made public 20th January 2015. The study is only available in Portuguese:

http://www.acidi.gov.pt/_cfn/54be867b629d5/live/Estudo+Nacional+sobre+as+Comunidades+Ciganas

127. Out of the main findings of the study, it is worth highlighting the following:

- in every school level, Roma girls/women have lower education levels than boys/men;
- regarding employment, there are more Roma women unemployed or that have never worked than Roma men.

128. The outcome of the study is a key instrument to adapt/adopt further measures targeted at the Roma community, including women and girls.

129. This year, and in order to obtain a better overview of the Roma communities, a follow-up of this study will be undertaken, targeting municipalities that did not send enough information for the first study.

18.1. Please indicate the measures taken to increase Roma women's access to health services, including sexual and reproductive health, including mammograms, and papanicolaou tests (para. 135) and access to education, including by addressing the high drop-out rate from school of Roma girls.

130. The National Health Service (NHS) is a universal system. Access to the NHS is granted to all residents, including illegal migrants, EU citizens and non-EU citizens. Roma women have full access to the NHS.

131. The Portuguese educational system is inclusive. Access to Education for all the students (immigrants, Roma students, including Roma girls) is based on a set of educational policies that aims to integrate them in the school community and enhance their educational success. Schools promote an effective integration of these students in the school community, through welcoming measures, mentoring and by raising awareness for the different cultures present in the classroom.

132. The National Roma Communities Integration Strategy (2013-2020) foresees several measures in the field of education that are relevant to Roma women.

133. Please see answer to question 13.1.

18.2. Please indicate the measures taken to ensure that all marriages of Roma women and births of Roma girls are officially registered.

134. In the Portuguese Legal System, civil and catholic marriages are mandatorily subject to registration under civil law (article 167 and 180 of the Portuguese Civil Registry Code). Furthermore, any birth in Portugal must also be registered, within 20 days following the birth, in a Civil Registry Office (article 96 of the Portuguese Civil Registry Code).

135. Since the establishment, in 2007, of the "Born Citizen" project, it is possible to register all newborns in the hospital or maternity, immediately after birth free of charge. As such, presently, all children born in Portugal are registered and identified by a civil identification number, which enables children to benefit from social services. These measures also enhance the integration of persons belonging to ethnic minorities.

18.3. Please also provide information on measures taken to eliminate discrimination against Roma women as regards their right to employment, housing, access to water and sanitation, access to public and social services, and participation in public life.

136. Roma communities in Portugal benefit, without discrimination, from all measures available to the general population, including social protection (e.g. Social Insertion Income, housing programmes and access to the National Health Service). Furthermore, there are specific measures and policies aimed at promoting the

realization of the rights to employment, housing and health by Roma persons, which impact, mostly, on women.

137. Employment is one priority areas of the National Roma Communities Integration Strategy (2013-2020). The measures foreseen aim to:

- enhance the integration of Roma persons in the labour market through awareness raising actions, dialogue with business associations, NGOs, Roma associations and Roma mediators and demystification of negative portrayals of Roma communities;
- train key staff on the specific characteristics of Roma communities;
- promote the creation of self-employment;
- provide vocational training;
- establish local partnerships for employment and vocational training;
- revitalize of traditional activities of Roma communities to enhance their socio-vocational integration.

138. The National Roma Communities Integration Strategy has 4 priority areas regarding the housing conditions of Roma communities:

- improve the knowledge of the housing situation of Roma communities, conducting at least on study on the issue;
- promote the inclusion of Roma communities as the beneficiaries of housing policies;
- develop housing solutions and qualify re-housing spaces for Roma communities;
- promote access to the rental market/private property.

139. The abovementioned strategy foresees the following priorities on the right to health:

- Health education and available health services — for example, encourage Roma Communities to use of mobile health units and enroll in local Health Care Centers;
- Focus on prevention, including yearly awareness raising sessions on early motherhood, children's health and healthy eating habits;
- Raise awareness and healthcare professionals on cultural diversity;
- Strengthen the relationships between health services and Roma communities.

140. The English version of the National Roma Communities Integration Strategy (2013-2020) is available on:

http://www.acidi.gov.pt/_cfn/532c521f57fd6/live/Estrat%C3%A9gia+Nacional+para+a+Integra%C3%A7%C3%A3o+das+Comunidades+Ciganas+-+Ingl%C3%AAs

19. Please provide updated information on access by older women, migrant women, women from minority groups and women with disabilities to all rights of the Convention and on the existence of programmes to eliminate discrimination against them.

141. Portugal has a wide range of national action plans that include a gender perspective and cover the rights foreseen in the CEDAW Convention. Older women, migrant women, women from minority groups with disabilities have covered by these plans.

142. A new National Disability Strategy (ENDEF) is now in preparation and it will have, like the previous one (2011-2013), measures that aim to combat discrimination against women with disabilities.

143. Regarding women belonging to minority groups, in 2009, the former High Commission for Immigration and Intercultural Dialogue (ACIDI), now High Commission for Migration (ACM) created a pilot project to promote Immigrant Entrepreneurship. This project provides training on how to start businesses and provides financial support. By the end of 2014, 1509 participants (922 women and 587 men) have benefitted from this project and 101 businesses were set up, 60 of which run by women.

144. Annex 10 - Data related to the Project to Promote Immigrant entrepreneurship.

145. On March 2015, the Government approved the Strategic Plan for Migrations. A gender dimension was included in the Plan as illustrated by the measures:

- Promote the participation of immigrant women in the migrant associations;
- Raise awareness on gender equality and non-discrimination, in particular in the area of parenting, equal pay, work and family life, moral and sexual harassment.

146. The Fifth PNI foresees a number measures that target specific groups of women:

- Actions to prevent of the discrimination against women with disabilities
- Awareness raising and training programmes for professionals who deal with vulnerable populations
- Promote Roma women and Migrant women's literacy
- Promote elderly women's access to information and knowledge and improve their level of education and literacy among the elderly
- Train security forces and social services on gender and ageing. In 2014, a total of 5 training actions on "Gender and ageing" took place
- Promote women associations and women farmers' entrepreneurship.

147. Annex 11 - Roma and Migrant women's literacy.

148. Annex 12 - Elderly women's access to information and knowledge.

19.1. Please provide, in particular, information on trends regarding sexual violence against women with disabilities and updated information on measures envisaged to address the feminization of poverty, including the higher rate of women in poverty among older women and women headed households.

149. Please see answer to question 1.

19.2. Please also provide updated data on the provision of formal education training in agriculture to women farmers.

150. 8,9 per cent of male farmers and 8.0 per cent of female farmers have nine or more years of formal education. 88 per cent male farmers and 91 per cent female farmers have professional training.

151. Annex 13 - Provision of formal education/training in agriculture to women farmers.

20. Please indicate whether the State party has undertaken or envisages undertaking a gender impact analysis of the economic and financial crisis on payment of maintenance for children and ex-spouse or partner as well as on family solidarity, in particular the use of old-age pensions to support younger generations. If such analysis has been undertaken, please indicate any available results.

152. Please see answer to question 1.